

REMARKS/ARGUMENTS

Paragraph 2 on page 3 of the Official Action says that the application contains claims directed to the patentably distinct “species” I to IV. Paragraph 3 on page 3 of the Official Action requires Applicants under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Paragraph 4 of the Official Action says: “Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.”

In reply, applicants elect with traverse “species I drawn from pg. 4, lns. 12-pg. 5, lns. 15 and pg. 6, lns. 18-pg. 7, lns. 9 of specification; Claims 29, 30-34, 40-41, 42-46 and 52-53, drawn to a file server for deleting a read-only snapshot copy of the production file.” A listing of all claims readable thereon is Claims 29, 30-34, 40-41, 42-46 and 52-53.

Applicants respectfully traverse because claims to be restricted to different species should be mutually exclusive. “[T]o require restriction between claims limited to species, the claims must not overlap in scope.” (M.P.E.P. 806.04(f), Rev. 3, August 2005, page 800-43.) The applicants’ claims are not mutually exclusive between the various groups, and instead the limitations in the claims of the various groups are disclosed as used together in a preferred embodiment shown in the drawings and described in the applicants’ specification.

Applicants also respectfully traverse because: “If the search and examination of all of the claims in an application can be made without serious burden, the examiner must examine them

on the merits, even though they include claims to independent or distinct inventions.” (M.P.E.P. 803, Rev. 3, August 2005, page 800-4.) There is nothing in the Official Action, such as a different search class or subclass listed for each group of claims, indicating that there would be a serious burden to search and examine all of the claims in the application.

In view of the above, reconsideration is respectfully requested, and early allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard C. Auchterlonie".

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